

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/8/2023

LARYSA V. GOLUBOVYCH,

Plaintiff,

-against-

SAKS 5TH AVENUE, INC.,

Defendant.

22-CV-09923 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:


Plaintiff has filed an Application for the Court to Request Counsel. The factors to be considered in ruling on an indigent litigant's request for counsel include the merits of the case, Plaintiff's efforts to obtain a lawyer, and Plaintiff's ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986). Of these, the merits are "[t]he factor which command[s] the most attention." *Cooper*, 877 F.2d at 172. Because it is too early in the proceedings for the Court to assess the merits of the action, the motion is denied without prejudice to renewal at a later date. The Clerk of Court is directed to terminate it. (ECF 8.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court respectfully is requested to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: August 8, 2023
New York, New York


MARY KAY VYSKOCIL
United States District Judge